

**UNITED STATES BANKRUPTCY COURT**  
Eastern District of Missouri

**Order and Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines**

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 4/30/13.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

**Creditors — Do not file this notice in connection with any proof of claim you submit to the court.  
See Reverse Side For Important Explanations.**

Debtor(s) (name(s) and address):

Joshua W Derque  
1021 Central Ave.  
Festus, MO 63028

Case Number:  
13-44102 -A399

Last four digits of Social Security or Individual Taxpayer-ID (ITIN)  
No(s)/Complete EIN:  
xxx-xx-5469

Attorney for Debtor(s) (name and address):

Leigh M Kline  
A & L, Licker Law Firm  
1861 Sherman Drive  
St. Charles, MO 63303  
Telephone number: 636-916-5400

Bankruptcy Trustee (name and address):

Robert J. Blackwell  
Blackwell and Associates (trustee)  
P.O. Box 310  
O'Fallon, MO 63366-0310  
Telephone number: (636) 240-3632

**Meeting of Creditors:**

Date: **June 6, 2013**

Time: **09:00 AM**

Location: **111 South Tenth Street, First Floor, Room 1.310, St. Louis, MO 63102**

Refer to Other Side for Important Documentation Needed at the Meeting of Creditors

**Presumption of Abuse under 11 U.S.C. §707(b)**

*See "Presumption of Abuse" on reverse side.*

The presumption of abuse does not arise.

**Deadlines:**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**Deadline to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts: 8/5/13**

The deadline to file such complaints for any creditor added to this case after the date of the initial Notice and Order of Commencement shall be the later of the original deadline or 60 days after the date on the certificate of service of the notice given pursuant to L.R. 1009.

**Deadline to Object to Exemptions:**

Thirty (30) days after the *conclusion* of the meeting of creditors unless otherwise provided under Bankruptcy rule 1019(2)(B) for converted cases.

**Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.**

**Foreign Creditors**

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

**Address of the Bankruptcy Clerk's Office:**

111 South Tenth Street  
Fourth Floor  
St. Louis, MO 63102  
Telephone numbers: (314) 244-4500  
VCIS number: 1-866-222-8029, #87  
Electronic Case Information/PACER: <https://ecf.moeb.uscourts.gov>

**So Ordered:**



United States Bankruptcy Court Judge

Date: 5/1/13

Office Hours: Monday – Friday 8:30 a.m. – 4:30 p.m.

## EXPLANATIONS

FORM B9A (12/12)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this Court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362. Usually, the filing of a case automatically stays certain collection and other actions against the debtor and the debtor's property such as contact by any means to demand repayment, taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the Court to extend or impose a stay. Taking prohibited actions may result in penalty.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the Court.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the Court to extend the deadline. <i>Do not include this notice with any filing you make with the court.</i>
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), or (6), you must file a complaint – or motion if you assert the discharge should be denied under §727(a)(8) or (a)(9) – in the bankruptcy clerk's office by the "Deadline to Object to Debtor's Discharge or to Challenge the Dischargeability of Certain Debts" listed on the front of this form. The bankruptcy clerk's office must receive the complaint or motion and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. Registered electronic users should file through our Case Management/Electronic Case Files (CM/ECF) system at <a href="https://ecf.moeb.uscourts.gov">https://ecf.moeb.uscourts.gov</a> . <b>This Court requires all attorneys to file electronically through CM/ECF.</b> You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office or via the Internet if you have a PACER subscription. You may register for PACER at <a href="http://pacer.psc.uscourts.gov">http://pacer.psc.uscourts.gov</a> . Case status information is available 24 hours a day by contacting VCIS (voice case information) or via the Internet using PACER. Information about the meeting of creditors, certain forms, and other matters can be obtained from the Court's website: <a href="http://www.moeb.uscourts.gov">http://www.moeb.uscourts.gov</a>
Abandonment of Property	At the meeting of creditors, the Trustee may announce the abandonment of specific property of the estate that is burdensome or of inconsequential value. Any objection to this abandonment must be filed in writing with the Clerk's Office and the Trustee within 14 days after the conclusion of the meeting of creditors.
Foreign Creditors	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
Domestic Support Obligation – Child Support	The holder of any claim for unpaid pre-petition child support is entitled to have the trustee provide such creditor with notice of the creditor's right to use the services of the state child support enforcement agency and supply such creditor with the address and telephone number of the state child support enforcement agency and a explanation of the creditor's rights to payment in the bankruptcy case. Any creditor may request such notice and information by writing the trustee. Such creditor is further entitled to have the trustee provide the creditor with (i) notice of the granting of the discharge, (ii) any last known address of the debtor, (iii) debtor's most recent employer, and (iv) information concerning other claims on which the debtor may be liable following a discharge. Failure to request such information from the trustee shall be a waiver of the right to receive such notice from the trustee.

### — Refer to Other Side for Important Deadlines and Notices —

#### Debtor information needed at the meeting of creditors:

- Most recently filed federal and state tax returns (must be provided to trustee at least 7 days before 341 meeting)
- W-2(or W-4) forms
- Deeds to any real estate in which the debtor has any interest
- Savings, checking and investment account statements
- Personal property tax statements
- Divorce decree or separation agreement
- Documentation supporting Means Test/Disposable Income Form 22
- Pay stubs or other earnings statements covering the 6-month period prior to the petition date

#### Debtor Identification:

All individual debtors must provide picture identification and proof of social security number (if any) to the trustee at the meeting of creditors. Failure to do so may result in your case being dismissed or denial of your discharge, and/or criminal referral. Acceptable forms of picture identification (ID) include an original: 1)driver's license, 2)federal or state government ID, 3)student id, 4)U.S. passport, 5)military ID, or 6)resident alien card. Acceptable forms of proof of social security number include an original: 1)social security card, 2)medical insurance card, 3)pay stub, 4)W-2 form, 5)Internal Revenue Service Form 1099, 6)Social Security Administration report, or 7)statement that such documentation does not exist.